

REMARKS:

Claims 1-33 were pending in this application. Claims 1-9 have been cancelled. Claims 34-53 have been added. Claims 11-21, 28-30 and 32-33 have been amended. Claims 10-53 are currently pending in this application.

35 U.S.C. § 102 Rejections:

Claims 1-28 and 30-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by Miura. Applicant believes this rejection to be moot with respect to claims 1-9. With respect to the remaining claims, Applicant respectfully traverses this rejection.

The cited reference fails to teach or suggest all of the elements of the independent claims. Miura teaches a recording device, reproducing device and recording/reproducing system “capable of dubbing again even when a data transfer error occurs, because the dubbing is tried again by sending a command to reproduce to the optical disc reproducing apparatus 1 from the magneto-optical disc recording/plying system 3 after completing the reproducing retry preparation and recording retry preparation” (abstract, Miura).

Claims 10-20:

Independent claim 10 recites:

“A method of transferring incoming sound, comprising...

(b) monitoring one or more attributes of the incoming sound to produce indications of sound segment presence and effective sound absence based on the one or more attributes;

Miura provides no teaching or suggestion of this combination of features, particularly those highlighted above. In the office action, the Examiner contends that Miura teaches “monitoring one or more attributes of the incoming sound to produce indications of sound segment presence” in paragraphs [0038], [0061], and [0100]. However, nothing in these

paragraphs, or in the remaining portions of Miura's specification provides any teaching or suggestion of "monitoring one or more attributes of the incoming sound" (emphasis added) as recited in claim 10. In citing paragraphs [0038], [0061], and [0100], the Examiner is apparently reading wherein Miura's apparatus "detects an error" (paragraph [0061]), wherein the "error occurred on the data transfer" (paragraph [0100]). However, an "error [that] occurred on the data transfer" is not equivalent to "one or more attributes of the incoming sound".

Accordingly, the features discussed above are not taught or suggested by Miura, either in the above citations or elsewhere. Accordingly, removal of the § 102 rejection of claims 10-20 is respectfully requested for at least these reasons.

Claims 21-28 and 30-31:

Independent claim 21 recites, in pertinent part:

"A method of sound-activated transfer of incoming sound, the method comprising: ... determining a first plurality of intervals within the segments of effective sound absence, each interval immediately preceding one of the segments of sound, each interval being part of and associated with a segment of effective sound absence, the plurality of intervals comprising at least one interval shorter than a segment of effective sound absence associated with said at least one interval; and transferring the first plurality of intervals" (Emphasis added).

Independent claims 21 and 28 recite similar combinations of features. In the office action, the Examiner contends that Miura teaches the highlighted features in Figures 7A and 7B, along with paragraphs [0074] and [0075]. Paragraphs [0074] and [0075] state the following:

“[0074] In FIG. 5A, music is reproduced by the optical disc reproducing apparatus 1 in such normal order as 1st music (P1), 2nd music (P2), 3rd music (P3), 4th music (P4), and 5th music (P5).

[0075] In FIG. 5B, without any transfer error, music recorded by the magneto-optical recording/reproducing apparatus 2 is dubbed (recorded) as indicated by 51 in such normal order as 1st music (R1), 2nd music (R2), 3rd music (R3), 4th music (R4), and 5th music (R5).” (Emphasis added).

However, nowhere in Miura, including Figures 7A and 7B and the citations above, is there any teaching or suggestion of “determining a first plurality of intervals within the segments of effective sound absence” (emphasis added), nor is there any teaching or suggestion wherein “the plurality of intervals [comprise] at least one interval shorter than a segment of effective sound absence” (emphasis added).

Thus, Miura fails to teach or suggest all of the elements of independent claims 21 and 28. For at least these reasons, Applicant respectfully requests removal of the 35 U.S.C. § 102 rejection of claims 21-28 and 30-31.

35 U.S.C. § 103 Rejections:

Claims 32-33:

Claim 32 is believed patentably distinct over the proposed combination of Miura and Colier because neither of these references teaches or suggests “[determining] a plurality of intervals within the effective silence periods” (emphasis added; see discussion of claim 21 above). Additionally, claim 32 is also believed to be patentably distinct over the cited art because neither of these references, either singly or in combination, teaches or suggests a “transmitter [] transmit[ting], via the antenna,” as is recited in claim 32. Accordingly, claim 32 and its dependent claim 33 are believed to be in condition for allowance.

Patentability of the Added Claims:

The present amendment adds claims 34-53. Applicant submits that no new matter has been added, and that the new claims are fully supported by the specification. For example, support for the newly added claims can be found in the summary, Figures 1 and 4-7 and the associated descriptions thereof in Applicant's specification.

With respect to claim 34, Applicant submits that the cited art does not teach or suggest, among other features, "monitoring one or more attributes of the incoming sound for the presence of a predetermined condition." As such, Applicant submits that claim 34 and its dependent claims are in condition for allowance. Similarly, with respect to claim 43, Applicant submits that the cited art does not teach or suggest "a first processing unit configured to monitor the incoming sound to detect the presence of a predetermined condition based on one or more attributes of the incoming sound." Thus, Applicant submits that claim 43 and its dependent claims are in condition for allowance.

CONCLUSION:

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6057-27400/EAH.

Respectfully submitted,

Date: May 21, 2007

By: Erik A. Heter
Erik A. Heter
Reg. No. 50,652

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8800